

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NORTH DAKOTA**

**Ellen A. Johanson  
Clerk of Court**

**655 1<sup>st</sup> Avenue North  
Fargo, ND 58103  
701-297-7100**

**M E M O R A N D U M**

**Date: November 20, 2003**

**To: Bankruptcy Practitioners, Trustees and Interested parties**

**Re: Information About Privacy Rules and Public Access**

**As you are aware the Federal Rules of Bankruptcy Procedure and several official forms will be amended on December 1, 2003 unless Congress acts to the contrary. This memorandum covers information about public access and redaction of private information from other documents that are not covered by the amendments.**

The Office of the Clerk is now imaging pleadings for posting to WebPACER/RACER, through the court's Internet website. Any subscriber to WebPACER will be able to read, download, store and print the full content of imaged documents. The clerk's office is not imaging or posting documents sealed or otherwise restricted by court order. In the future, we anticipate accepting electronically filed documents and pleadings which will be available in the same manner as imaged documents.

You should not include sensitive information in any document filed with the court unless such inclusion is required by the Federal Rules of Bankruptcy Procedure or Official Bankruptcy Forms or the inclusion is otherwise necessary and relevant to the case. You must remember that any personal information not otherwise protected will be made available over the Internet via WebPACER. If sensitive information must be included, the following personal data identifiers must be partially redacted from the pleading, unless specifically required by statute, Federal Rule of Bankruptcy Procedure or Official Bankruptcy Form, whether it is filed traditionally or electronically: Social Security numbers, financial account numbers, dates of birth and the names of minor children. (See *Proposed Guideline for a Local Rule for United States Bankruptcy Courts Addressing Judicial Conference Privacy Policy Regarding Public Access to Electronic Case Files.*)

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers specified above may file an unredacted document under seal. This document shall be retained by the court as part of the record. The court may, however, also require the party to file a redacted copy for the public file.

In addition, exercise caution when filing documents that contain the following:

- 1)  
any personal identifying number, such as driver's license number;
- 2)  
medical records, treatment and diagnosis;
- 3)  
employment history;
- 4)  
individual financial information; and
- 5)  
proprietary or trade secret information.

Counsel is strongly urged to share this notice with all clients so that an informed decision about the inclusion of certain materials may be made. If a redacted document is filed, it is the sole responsibility of counsel and the parties to be sure that all documents and pleadings comply with the privacy rules. The clerk will not review each pleading for redaction.